HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE
AND
HON'BLE SHRI JUSTICE C.V. NAGARJUNA REDDY

WRIT PETITION No.3268 OF 2007

Between:

K. Girimallappa and another

…Petitioner

AND

Government of Andhra Pradesh,
Rep., by the District Collector,
Anantapur District, Anantapur
and five others

...Respondents

: O R D E R :

Counsel for the petitioners : Shri G. Vidyasagar

Counsel for the respondents : Assistant Government Pleader for Education

June 14, 2007

Per G.S. Singhvi, CJ

In this petition, the petitioners, who are residents of Gummaghatta Village and Mandal, Ananthapur District have prayed for quashing proceedings Rc.No.E3/6541/2005, dated 7-2-2007 issued by District Collector, Anantapur for construction of

building for Kasturba Gandhi Balika Vidyalaya (KGBV) in Survey No.543/2A of Tallakera Village, Gummaghatta Mandal, Anantapur District.

In the affidavit filed by him, petitioner No.1 – K. Girimallappa has averred that KGBV school was started in 2005 in the five-room RCC building provided by Gummaghatta Revana Siddeshwara Wool Industrial Cooperative Society and girls from Gummaghatta Village and adjoining areas were given admission. He has further averred that even though the villagers had offered Ac.4.00 of land for construction of building for KGBV school, the official respondents have manipulated the impugned decision for construction of school at Tallakera. The deponent has further averred that if the school is constructed at a place other than Mandal headquarter, grave injustice will be done to the people of the village whose wards will be deprived of the benefit of the school.

In the counter affidavits filed by Shri N. Sridhar, District Collector, Anantapur, Kum. G.N. Vidya, Secretary, Andhra Pradesh Residential Educational Institutions Society and Smt. G. Prameelamma, Mandal Revenue Officer (re-designated as Tahsildar), it has been averred that total Ac.5.00 of land is required for construction of KGBV school and the decision to locate the school at Tallakera was taken because sufficient land was not available in Gummaghatta Village. According to them, the school is going to be a residential educational institution and in the absence of adequate land, it is not possible to construct the building at the site offered by the villagers.

We have heard Shri G. Vidyasagar, learned counsel for the petitioners and the learned Assistant Government Pleader for Education and perused the record including the affidavits filed on behalf of the respondents.

Learned counsel for the petitioners emphasised that the villagers were never told about the requirement of Ac.5.00 of land, else

they would have readily offered the required land. He then argued that location of the school at a distant place will be highly detrimental to the interest of the girl students.

Learned Government Pleader submitted that the decision regarding location of the school was taken keeping in view the availability of land and the petitioners do not have the right to seek a direction for location of the school at Gummaghatta Village.

We have considered the submissions of the learned counsel. In our opinion, it is not necessary to decide on the right and locus of the petitioners to seek a mandamus for establishing the school in Gummaghatta Village, and we feel that ends of justice will be met by directing that if the petitioners and the villagers make a representation to the Secretary, School Education Department that they are prepared to make available Ac.5-00 of land for construction of residential school at Mandal headquarters and also offer to reimburse the cost of the construction, which has so far taken place at Tallakera Village, then the same shall be decided by the officer concerned within a period of two weeks and the decision be communicated to the petitioners and till then, the ongoing construction activity shall remain suspended. Ordered accordingly.

The writ petition is disposed of in the manner indicated above.

As a sequel to disposal of the writ petition, WPMP Nos. 4170 and 13044 of 2007 filed by the petitioners for interim relief are disposed of as infructuous.

G.S. SINGHVI, CJ

C.V. NAGARJUNA REDDY, J

June 14, 2007

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